

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHANNON BRONZICH and CATHLEEN  
FARRIS, individually and on behalf  
of a class of similarly situated  
Washington residents,

Plaintiffs,

v.

PERSELS & ASSOCIATES, LLC, a  
Maryland limited liability  
company; NEIL J. RUTHER, a  
Maryland attorney; JIMMY B.  
PERSELS, a Maryland attorney;  
ASCEND ONE CORPORATION, a Maryland  
corporation; CAREONE SERVICES,  
INC., a Maryland corporation;  
MERIX CORPORATION, a Maryland  
corporation; and JOHN DOES 1-5,

Defendants.

NO. CV-10-0364-EFS

**ORDER DENYING THE ATTORNEY  
DEFENDANTS' MOTION FOR  
RECONSIDERATION, AND  
DENYING THE CAREONE  
DEFENDANTS' MOTIONS TO  
CERTIFY TO THE NINTH  
CIRCUIT**

Two motions are before the Court without oral argument: 1) Defendants Persels & Associates, Neil Ruther, and Jimmy Persels' (collectively, "Attorney Defendants") Motion for Reconsideration of the Court's Order Regarding the Attorney Exemption Under RCW ch. 18.28 or, in the Alternative, for Certification to the Ninth Circuit, ECF No. [99](#), and 2) Defendants Ascend One Corp., CareOne Services, Inc., and Amerix Corp.'s (collectively, "CareOne Defendants") Joint Motion to Certify Order for Immediate Appeal, ECF No. [103](#). Plaintiffs Shannon Bronzich and

1 Cathleen Farris oppose the motions. After reviewing the submitted  
2 material and relevant authority, the Court is fully informed. As is  
3 explained below, the Court denies both motions.

4 The Attorney Defendants fail to 1) present newly-discovered  
5 evidence, 2) identify how the May 27, 2011 Order, ECF No. [98](#), contained  
6 a clear error or was manifestly unjust, and 3) identify an intervening  
7 change in controlling law. See *Sch. Dist. No. 1J v. AC&S, Inc.*, 5 F.3d  
8 1255, 1263 (9th Cir. 1993). Many of the Attorney Defendants'  
9 reconsideration arguments could have been presented during the initial  
10 briefing and argument. See *id.*; *Kona Enters., Inc. v. Estate of Bishop*,  
11 229 F.3d 877, 890 (9th Cir. 2000). Because the Attorney Defendants have  
12 failed to show that reconsideration is necessary, the Court denies their  
13 motion. The Court will, however, enter an order amending the May 27,  
14 2011 Order to revise language contained on page 16 in order to clarify  
15 the Court's rationale and legal conclusions.

16 The Court acknowledges there is substantial ground for difference  
17 of opinion as to the interpretation of RCW 18.28.010(2)(a) as it applies  
18 to attorneys and their agents. See *Reese v. BP Exploration (Alaska)*  
19 *Inc.*, 643 F.3d 681, 688 (9th Cir. 2011) ("[W]hen novel legal issues are  
20 presented, on which fair-minded jurists might reach contradictory  
21 conclusions, a novel issue may be certified for interlocutory appeal  
22 without first awaiting development of contradictory precedent."). Yet,  
23 an immediate appeal of the Court's May 27, 2011 Order (and the to-be-  
24 amended Order) will not materially advance this lawsuit's ultimate  
25 resolution.

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For these reasons, **IT IS HEREBY ORDERED:**

3 1. The Attorney-Defendants' Motion for Reconsideration of the  
4 Court's Order Regarding the Attorney Exemption Under RCW ch. 18.28 or,  
5 in the Alternative, for Certification to the Ninth Circuit, **ECF No. 99**,  
6 is **DENIED**.

7 2. The CareOne Defendants' Joint Motion to Certify Order for  
8 Immediate Appeal, **ECF No. 103**, is **DENIED**.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
10 this Order and provide a copy to counsel.

11 **DATED** this 14<sup>th</sup> day of October 2011.

12  
13 s/Edward F. Shea  
14 EDWARD F. SHEA  
United States District Judge

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